

TRIAL COURT: UWY-CV-16-6031881-S : SUPREME COURT
A BETTER WAY WHOLESALE AUTOS, INC. :
v. : SC 20386
SAINT PAUL, JAMES, ET AL : March 10, 2020

MOTION FOR PERMISSION TO FILE LATE BRIEF

Pursuant to Practice Book § 62-7, 66-1 and 66-3, the Plaintiff-Appellant, A Better Way Wholesale Autos, Inc., hereby moves the court for permission to file a late brief and appendix. The Appellant had filed motions to extend time, but the filing of this brief and appendix are beyond even this extended time. The Appellant represents its brief and appendix are complete and are to be filed immediately after this motion has been submitted to this court. As further detailed below the Appellant moves for good cause to allow the filing of this brief and appendix on this late date.

BRIEF HISTORY OF THE FACTS

On November 12, 2019 the Appellant filed this appeal after certification was granted by the Connecticut Supreme Court. The Appellant's Brief and Appendix were initially due on December 27, 2019. On December 30, 2019 the Appellant filed a motion to extend time to file. This motion sought an additional seventeen days, or until January 13, 2020 to file this brief and appendix. This motion was granted by the court.

The Appellant filed another motion to extend time on January 8, 2020. This motion asked for an additional ten days, or until January 23, 2020 by which to file its brief and appendix. This request was also granted.

The Appellant filed its third request to extend time on January 23, 2020. This motion asked the court for an additional fourteen days in which to file its brief and appendix. The court granted this request as well.

The Appellant filed its fourth request to extend time on February 6, 2020. In this request the Appellant asked the court for an additional five days in which to file its brief and appendix. This request was granted by the court.

On March 10, 2020 the Appellant has its brief and appendix completed. The last day by which the court had previously granted permission to the Appellant in which to file its brief and appendix was February 25, 2020. This gap is fourteen days long and the Appellant moves the court to give the Appellant permission to file this brief and appendix despite the fact that they are late by fourteen days.

A. LAW

This motion to Allow Late Filing is made pursuant to sections 62-7, 66-1 and 66- 3 of the Rules of Appellate Procedure in the Connecticut Practice Book. These sections allow the clerk of the court to accept papers correcting a noncomplying document, extend the time in which a party is allowed to file and provides the procedure for doing so. Further, Section 66-3 permits papers to be filed after the expiration of time allowed for filing if the filer is able to demonstrate good cause for its untimeliness in a separate section captioned “good cause for late filing.”

SPECIFIC FACTS UPON WHICH THE PLAINTIFF-APPELLANT RELIES

The Appellant's brief involved a difficult matter and whose research took additional time. This was primarily the reason that motions to extend the time to file were initially filed. The research was largely complete and all that remained was the writing of the brief but the case calendar for the office for the months of January, February and the first part of March became so difficult that the brief and appendix were not completed until the middle of March.

In the beginning of January, specifically January 7th, 8th and 9th, Attorney Votre was on trial in the matter of A Better Way Wholesale Autos, Inc. v. Franklin Insurance. This matter took time away from the drafting of the brief and the details of this case were difficult, somewhat confusing and took additional time.

Attorney Votre's attention was also demanded by the matter of Bencivango v. ABW. This matter is presently in the middle of trial and is the primary reason the brief has been delayed past the last date it was due. As of the writing of this motion, the trial of Bencivango v. ABW is still on trial.

The brief and appendix are now complete and have been filed with the appellate clerk of the court. This delay has not prejudiced the opposing party nor has this additional time been a benefit to the appellant. As stated, the delay was caused by deadlines in other pressing matters, causing this lag.

LEGAL GROUNDS UPON WHICH PLAINTIFF-APPELLANT RELIES

The Plaintiff-Appellant relies on § 62-7, 66-1 and 66-3 of the Connecticut Rules of Appellate Procedure.

CONSENT

The undersigned counsel has reached out to Attorney Blinn and Attorney Wareing to inquire as to whether they would consent to this request. Both Attorney Blinn and Attorney Wareing have indicated that they both consent to this request.

THE PLAINTIFF-APPELLANT,
A BETTER WAY WHOLESALE AUTOS, INC.

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CERTIFICATION

I hereby certify that the foregoing complies with Practice Book § 62-7, being in 12-point Arial type, and that it is in compliance with all other formal requirements. I also hereby certify that, pursuant to Practice Book § 62-7, a copy of the foregoing was mailed, first class mail, postage prepaid, on the same date as that first inscribed on this document.

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